Group I: Claims 1-4 and 10-11 directed to a vaccine comprising an immunogenic EBNA-1 polypeptide and an adjuvant, and a method for use of the vaccine;

Group II: Claims 5-9, 12-15, 18, and 19, directed to an expression vector for expression in humans comprising a sequence encoding an immunogenic EBNA-1 polypeptide and a method for immunizing using the expression vector;

Group III: Claims 20-34, directed to a pharmaceutical composition comprising an EBNA-1 charged dendritic cell and a method for immunizing using an EBNA-1 charged dendritic cell;

Group IV: Claims 35 and 37-39, directed to a method for making an EBV-protective human dendritic cell comprising contacting the cell with EBNA-1 *ex vivo*;

Group V: Claim 36, directed to a method for making an EBV-protective human dendritic cell comprising contacting the cell with EBNA-1 *in vivo*; and

Group VI: Claims 40-45, directed to a method for making an EBV-protective human dendritic cell comprising contacting the cell with a vector for expression of EBNA-1 in humans.

Claims 16-17, which are dependent claims of claim 10, were not accounted for in the Office Action but are pending in this application.

In order to be fully responsive to the Requirement for Restriction, Applicants hereby provisionally elect, with traverse, to prosecute the claims of Group IV (*i.e.*, claims 35 and 37-39) directed to methods for making an EBV-protective human dendritic cell comprising contacting the cell with EBNA-1 *ex vivo*. However, Applicants respectfully traverse the Requirement for Restriction and reserve the right to petition therefrom under 37 C.F.R. 1.144. In particular, and contrary to what is indicated in the Official Action, the claims of Group VI (*i.e.*, claims 40-45) can be examined without any undue burden on the Examiner or the Patent and Trademark Office. The

Examiner stated that the claims in Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features "for the following reasons: The special technical feature of the main invention, i.e., the invention of Group I, is a vaccine....The invention of Group I does not share a special technical feature with any of the inventions of Groups III-VI since the invention of Group I does not require a dendritic cell." No reason is provided for restriction between any of Groups III-VI.

The claims of Groups IV and VI both require a dendritic cell. Moreover, the claims of Groups IV and VI both relate to methods for making an EBV-protective dendritic cell, thus search and examination of these claims would not impose a serious burden on the Examiner.

Under Patent Office examining procedures, "if the search and examination of an entire application can be made without serious burden, the Examiner *must* examine it on the merits, even though it includes claims directed to distinct or individual inventions." See, M.P.E.P. 803 (emphasis added). The claims of Groups IV and VI do not define methods or compositions which are sufficiently distinct to warrant separate examination and searches. For these reasons, Applicants respectfully request that the claims of Groups IV and VI be rejoined in this application.

Respectfully submitted,

Dated: December 12, 2003

By _____

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